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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

DONNIELL WILLIE FERGUSON,

Defendant and Appellant.

B270315

(Los Angeles County
Super. Ct. No. BA283678)

APPEAL from an order of the Superior Court of Los Angeles County,
Paul T. Suzuki, Judge. Affirmed.

Stephen Borgo, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

In June 2005 the People charged Donniell Willie Ferguson with one count of attempted first degree robbery and one count of attempted second degree robbery (Pen. Code, §§ 211, 664). Pursuant to a negotiated agreement, Ferguson pleaded guilty to attempted second degree robbery. The court suspended imposition of sentence and placed Ferguson on three years of formal probation. The court dismissed the remaining count on the People's motion.

In March 2006 Ferguson admitted he had violated the terms of his probation. The trial court revoked probation and sentenced Ferguson to the upper term of three years in prison.

Ferguson filed an application in December 2015 to designate his felony conviction for attempted second degree robbery as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (§ 1170.18). On January 28, 2016 the trial court denied the application, finding that the offense did not qualify as a misdemeanor under Proposition 47. Ferguson filed a timely notice of appeal from the order.

DISCUSSION

We appointed counsel to represent Ferguson on appeal. After examining the record, counsel filed an opening brief raising no issues. On May 31, 2016 we advised Ferguson he had 30 days to submit any arguments or raise any issues he wanted us to consider. We have not received a response.

We have examined the record and are satisfied that appellate counsel for Ferguson has fully complied with his responsibilities and that there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

GARNETT, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.